

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA, the STATE
OF NEW JERSEY, and the STATE OF NEW
YORK, *ex rel.* JERSEY STRONG PEDIATRICS,
LLC,

Plaintiffs,

v.

WANAQUE CONVALESCENT CENTER,
WANAQUE OPERATING CO., L.P., and
SENIORS MANAGEMENT NORTH, INC.,

Defendants.

Civil No.: 14-6651 (KSH) (JAD)

ORDER

THIS MATTER having come before the Court on the motion [D.E. 66] of defendants Wanaque Convalescent Center, Wanaque Operating Co., L.P., and Seniors Management North, Inc., for sanctions pursuant to Fed. R. Civ. P. 11 for the filing of the amended complaint, and the report and recommendation [D.E. 89] of Magistrate Judge Steven C. Mannion, recommending that the motion for sanctions be denied; and

WHEREAS, the District Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge,” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.”); L. Civ. R. 72.1(c)(2) (district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge,” and “may consider the record developed before the Magistrate Judge, making his or her own determination on the basis of that record.”); and

WHEREAS, no party has filed objections to the report and recommendation, and the time for filing objections has expired; and

WHEREAS, this Court has reviewed the record and given “reasoned consideration” to the report and recommendation, *see EEOC v. Long Branch*, 866 F.3d 93, 99-100 (3d Cir. 2017); and

WHEREAS, the report and recommendation properly concludes that the prior rulings in this action, including the September 2017 ruling [D.E. 29, 30] on defendants’ motion to dismiss the amended complaint and this Court’s 2019 ruling [D.E. 80, 81] that granted in part and denied in part defendants’ motion for summary judgment, rejected the premise of defendants’ Rule 11 motion, which argues that relator’s amended complaint was entirely without factual or legal support; and

WHEREAS, to the extent the report and recommendation may be read to imply that that factual findings have been made or that relator’s allegations have been “prove[n]” [D.E. 89 at 7], the Court clarifies that no findings of ultimate fact have been made and whether relator’s remaining claims are ultimately proven remains for determination; the report and recommendation is modified accordingly.

For the foregoing reasons, and for good cause shown,

IT IS on this 23rd day of December, 2019,

ORDERED that Judge Mannion’s report and recommendation [D.E. 89] is ADOPTED AS MODIFIED; and it is further

ORDERED that defendants’ motion for sanctions [D.E. 66] is DENIED.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.